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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,757	06/26/2001	William Martin Snelgrove	13222.00040	7545

27160 7590 02/28/2003

PATENT ADMINISTRATOR  
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EXAMINER

DUONG, FRANK

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/787,757	SNELGROVE ET AL.	
	Examiner Frank Duong	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 June 2001.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3&amp;7</u> .	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

1. This Office Action is a response to the communication dated 06/26/2001. Claims 1-12 are pending in the application.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Specification***

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

The disclosure is objected to because of the following informalities:

Page 17, line 25, "hand-offs" should be replace with --load shedding-- to reflect block 88 of FIGURE 5B.

Appropriate correction is required.

#### ***Claim Objections***

4. Claims 1 and 5 are objected to because of the following informalities:

As per claim 1, the claimed limitations (i), (ii) and (iv) are not sequentially denoted. It seems like there is a missing limitation denoted (iii) as referred to later in claims 6, line 5; and claim 7, line 3. Appropriate correction is required.

As per claim 5, line 2, "telecommunication s links" should read --  
telecommunications link--.

Claims 6-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claims 8-12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and cannot depend from other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims 8-12 have not been further treated on the merits.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claimed limitations of "*select a different telecommunication node on which each operating system function is to execute, based upon criteria including the ability of the selected node to execute the operating system function within the respective*

*defined time limits*" and "*instantiate and execute each operating system function to accomplish the desired data communication through a set of telecommunication nodes, including the selected nodes, and the telecommunication links of said telecommunication system*", recited in the claims, are not disclosed in the application. In the specification, on page 8a, lines 27-30 and therein after, a feature designated as "*identifying and executing operating system software functions in real-time*" has been disclosed. From the disclosed feature, the claimed limitation of "*select ... time limits*" and "*instantiate ... system*" cannot reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Moreover, the claimed limitation of "*encryption and decryption services*", as recited in claims 8 and 10, is not disclosed in the application. In the specification, on page 21, lines 26-27 and thereafter, only encryption and data compression services are disclosed.

***(note: due to the 112, first paragraph rejection above, there is no art applied to determine the allowability of the claimed invention at this time).***

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schulzrinne et al, RTP: A Transport Protocol for Real-Time Applications, RFC 1889, pages 1-66, February 1, 1996.

Finney, 1<sup>st</sup> Year PhD Report, pages 1-19.

Rosenberg et al, Issues and Options for an Aggregation Service within RTP,  
Internet Draft, pages 1-20, November 26, 1996.

Bakre et al, M-RPC: A Remote Procedure Call Service for Mobile Clients, page  
1-13.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Duong whose telephone number is (703) 308-5428. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Frank Duong  
February 21, 2003